

# Senate Study Bill 3226

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
NATURAL RESOURCES BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to natural resources, by providing for the powers  
2 and duties of the natural resource commission, and the  
3 regulation of public lands and outdoor recreation, providing  
4 for penalties, and providing for fees.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 5445DP 82  
7 da/rj/14

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1 1 DIVISION I  
1 2 REGULATION OF EXCURSION GAMBLING BOATS  
1 3 Section 1. Section 99F.7, subsection 14, Code Supplement  
1 4 2007, is amended to read as follows:  
1 5 14. When applicable, an excursion gambling boat operated  
1 6 on inland waters of this state or an excursion boat that has  
1 7 been removed from navigation and is designated as a  
1 8 permanently moored vessel by the United States coast guard  
1 9 shall be subject to the exclusive jurisdiction of the  
1 10 ~~department of natural resources and meet all of the~~  
1 11 ~~requirements of chapter 462A and is further subject to an~~  
1 12 ~~inspection of its sanitary facilities to protect the~~  
1 13 ~~environment and water quality before a certificate of~~  
1 14 ~~registration is issued by the department of natural resources~~  
1 15 ~~or a license is issued or renewed under this chapter~~  
1 16 ~~commission. The commission shall adopt rules for the~~  
1 17 ~~inspection of permanently moored vessels.~~  
1 18 Sec. 2. DEPARTMENTAL RULES IN EFFECT. Until the racing  
1 19 and gaming commission adopts rules necessary to regulate  
1 20 excursion gambling boats operated on inland waters of this  
1 21 state or on excursion boats that have been removed from  
1 22 navigation and designated as a permanently moored vessel by  
1 23 the United States coast guard, pursuant to section 99F.7,  
1 24 subsection 14, as amended by this Act, 571 IAC ch. 48 shall  
1 25 remain in effect and shall be administered by the commission.  
1 26 DIVISION II  
1 27 RESIDENCY REQUIREMENTS FOR REGISTRATIONS AND LICENSES  
1 28 Sec. 3. Section 321G.1, Code Supplement 2007, is amended  
1 29 by adding the following new subsections:  
1 30 NEW SUBSECTION. 11A. "Nonresident" means the same as  
1 31 defined in section 483A.1A.  
1 32 NEW SUBSECTION. 17A. "Resident" means the same as defined  
1 33 in section 483A.1A.  
1 34 Sec. 4. Section 321I.1, subsection 14, Code Supplement  
1 35 2007, is amended to read as follows:  
2 1 14. "Nonresident" means ~~a person who is not a resident of~~  
2 2 ~~this state the same as defined in section 483A.1A.~~  
2 3 Sec. 5. Section 321I.1, subsection 23, Code Supplement  
2 4 2007, is amended to read as follows:  
2 5 23. "Resident" means ~~a person who meets the requirements~~  
2 6 ~~for residency described the same as defined in section 321.1A~~  
2 7 ~~483A.1A.~~  
2 8 Sec. 6. Section 483A.1A, Code 2007, is amended by adding  
2 9 the following new subsection:  
2 10 NEW SUBSECTION. 6A. "Nonresident" means a person who is  
2 11 not a resident.  
2 12 Sec. 7. Section 483A.1A, subsection 7, Code 2007, is  
2 13 amended by striking the subsection and inserting in lieu  
2 14 thereof the following:  
2 15 7. "Resident" means a person who is deemed to be a  
2 16 resident pursuant to section 483A.2 or who is determined to be  
2 17 a resident pursuant to section 483A.2A.

2 18 Sec. 8. Section 483A.2, Code 2007, is amended to read as  
2 19 follows:  
2 20 483A.2 ~~DUAL RESIDENCY REQUIREMENT AND RESTRICTION.~~  
2 21 1. ~~A The department shall not issue a resident license~~  
2 22 ~~shall be limited to persons who do not claim any resident~~  
2 23 ~~privileges, except as defined in section 483A.1A, subsection~~  
2 24 ~~7, paragraphs "b", "c", and "d", in another state or country~~  
2 25 ~~to a person who is not a resident of this state as determined~~  
2 26 ~~by the department pursuant to section 483A.2A. A person shall~~  
2 27 ~~not purchase or apply for any a resident license or permit if~~  
2 28 ~~that person has claimed residency in any other state or~~  
2 29 ~~country.~~  
2 30 2. ~~Regardless of whether a person claims residency~~  
2 31 ~~privileges in this state, the person shall be deemed to be a~~  
2 32 ~~resident of this state if the person is any of the following:~~  
2 33 a. ~~A full-time student at any of the following:~~  
2 34 (1) ~~An accredited educational institution located in this~~  
2 35 ~~state, if the person resides in this state while attending the~~  
3 1 ~~educational institution.~~  
3 2 (2) ~~An accredited educational institution located outside~~  
3 3 ~~this state, if the person is under the age of twenty-five and~~  
3 4 ~~has at least one parent or a legal guardian who maintains that~~  
3 5 ~~person's principal residence in this state.~~  
3 6 b. ~~Under eighteen years of age and has at least one parent~~  
3 7 ~~or a legal guardian who maintains the person's principal~~  
3 8 ~~residence in this state.~~  
3 9 c. ~~A member of the armed forces of the United States~~  
3 10 ~~serving on active duty, if any of the following applies:~~  
3 11 (1) ~~The person claims residency in this state and has~~  
3 12 ~~filed a state individual income tax return as a resident~~  
3 13 ~~pursuant to chapter 422, division II, for the preceding tax~~  
3 14 ~~year.~~  
3 15 (2) ~~The person is stationed in this state.~~  
3 16 Sec. 9. NEW SECTION. 483A.2A RESIDENCY DETERMINED.  
3 17 For purposes of this chapter, all of the following apply:  
3 18 1. A person is a resident of this state, if the person is  
3 19 a natural person and maintains a principal residence in this  
3 20 state for at least thirty consecutive days before purchasing a  
3 21 resident license pursuant to section 483A.1. At the time of  
3 22 purchase, the person must have legally obtained an Iowa  
3 23 driver's license or an Iowa nonoperator's identification card  
3 24 pursuant to chapter 321.  
3 25 2. The department shall determine whether a person  
3 26 maintains a principal residence in this state when the person  
3 27 maintains a domicile both in this state and outside this state  
3 28 during the same year.  
3 29 a. A rebuttable presumption arises that a person is a  
3 30 resident of this state if the person occupies a domicile  
3 31 located in this state during the majority of the twelve months  
3 32 prior to the person's purchase of the license.  
3 33 b. If it cannot be determined whether the person occupies  
3 34 a domicile located in this state during the majority of the  
3 35 twelve months prior to the person's purchase of the license,  
4 1 the department shall consider factors established by the  
4 2 department to make the determination which may include but are  
4 3 not limited to whether any of the following is true:  
4 4 (1) The person is employed or engages in any trade,  
4 5 profession, or occupation within this state other than as  
4 6 provided in section 321.55.  
4 7 (2) The person maintains a mailing address at the  
4 8 domicile.  
4 9 (3) The person's name and domicile address are listed on  
4 10 any of the following:  
4 11 (a) Correspondence mailed to the person by the United  
4 12 States postal service.  
4 13 (b) Utility records which provide service to the domicile.  
4 14 (c) County records, including but not limited to land,  
4 15 tax, or vehicle registration records.  
4 16 (d) State and federal income tax returns.  
4 17 3. Upon demand by the department, a person shall submit  
4 18 all documentation required to establish evidence of residence.  
4 19 The department shall keep confidential any document which is  
4 20 otherwise required to be confidential by state or federal law.  
4 21 DIVISION III  
4 22 RIDING AREAS AND TRAILS FOR ALL-TERRAIN VEHICLES  
4 23 Sec. 10. Section 321I.2, Code 2007, is amended by adding  
4 24 the following new subsection:  
4 25 NEW SUBSECTION. 9. The operation or maintenance of  
4 26 designated riding areas and designated riding trails.  
4 27 DIVISION IV  
4 28 CONSTRUCTION ON STATE-OWNED OR STATE-MANAGED LAND OR WATERS

4 29 Sec. 11. Section 461A.4, Code 2007, is amended to read as  
4 30 follows:

4 31 461A.4 CONSTRUCTION ~~PERMIT == RULES ==~~ OF STRUCTURES AND  
4 32 OPERATION OF COMMERCIAL CONCESSIONS.

4 33 1. ~~a.~~ A person, ~~association, or corporation~~ shall not  
4 34 ~~build or erect any~~ construct a structure including but not  
4 35 ~~limited to a pier, wharf, sluice, piling, wall, fence,~~  
5 1 obstruction, ~~erection, or building, or erection of any kind~~  
5 2 upon or over any state-owned ~~or state-managed~~ land or water  
5 3 under the jurisdiction of the commission, without first  
5 4 obtaining from the commission a written permit. A permit, in  
5 5 matters relating to or in any manner affecting flood control,  
5 6 shall not be issued without approval of the environmental  
5 7 protection commission of the department. A person shall not  
5 8 ~~construct or maintain or erect any~~ a structure beyond the line  
5 9 of private ownership along or upon the shores of state-owned  
5 10 ~~or state-managed~~ waters in a manner to obstruct the passage of  
5 11 pedestrians along the shore between the ordinary high-water  
5 12 mark and the water's edge, except by permission of the  
5 13 commission.

5 14 ~~b.~~ ~~It shall be the duty of the~~ The commission to shall  
5 15 adopt and enforce rules governing and regulating the ~~building~~  
5 16 ~~or erection~~ construction of any such pier, wharf, sluice,  
5 17 ~~piling, wall, fence, obstruction, building or erection of any~~  
5 18 ~~kind, and said a structure as provided in this subsection.~~  
5 19 The commission may prohibit, ~~or restrict its construction,~~ or  
5 20 order the removal thereof ~~owner to remove the structure,~~ when  
5 21 in the judgment of said commission ~~determines that it will be~~  
5 22 ~~for is in~~ the best interest of the public. The commission  
5 23 shall comply with the provisions of chapter 17A when issuing  
5 24 an order under this section.

5 25 Any person, firm, association, or corporation violating any  
5 26 of the provisions of this section or any rule adopted by the  
5 27 commission under the authority of this section shall be guilty  
5 28 of a simple misdemeanor.

5 29 2. A person, ~~association, or corporation~~ shall not operate  
5 30 a commercial concession in a park, forest, fish and wildlife  
5 31 area, or recreation area under ~~the~~ jurisdiction of the  
5 32 department without first entering into a written contract with  
5 33 the department. The contract shall state the consideration  
5 34 and other terms under which the concession may be operated.  
5 35 The department may cancel or, in an emergency, suspend a  
6 1 concession contract for the protection of the public health,  
6 2 safety, morals, or welfare.

6 3 Sec. 12. NEW SECTION. 461A.5A INJUNCTIVE RELIEF.

6 4 If it appears to the department that a person is violating  
6 5 or about to violate a provision of section 461A.4 or refuses  
6 6 to comply with an order issued by the commission pursuant to  
6 7 section 461A.4, the department may refer the matter to the  
6 8 attorney general, who may bring an action in the district  
6 9 court in any county of the state for an injunction to restrain  
6 10 the person from committing the violation. Upon a proper  
6 11 showing, the court may order a permanent or temporary  
6 12 injunction. The state shall not be required to post a bond.

6 13 Sec. 13. NEW SECTION. 461A.5B PENALTIES.

6 14 1. Except as provided in subsection 2, a person who  
6 15 violates a provision of section 461A.4 or of a departmental  
6 16 rule or refuses to comply with an order issued by the  
6 17 commission pursuant to section 461A.4 is guilty of a simple  
6 18 misdemeanor.

6 19 2. The state may proceed against a person who violates a  
6 20 provision of section 461A.4 or refuses to comply with an order  
6 21 issued by the commission pursuant to section 461A.4 by  
6 22 initiating an alternative civil enforcement action in lieu of  
6 23 a criminal prosecution. The amount of the civil penalty shall  
6 24 not exceed five thousand dollars. Each day of a violation  
6 25 shall be considered a separate offense. The alternative civil  
6 26 enforcement action may be brought against the person as a  
6 27 contested case proceeding by the department under chapter 17A  
6 28 if the amount of the civil penalty is not more than ten  
6 29 thousand dollars or as a civil judicial proceeding by the  
6 30 attorney general upon referral by the department. In a  
6 31 contested case proceeding, the department may impose, assess,  
6 32 and collect the civil penalty.

6 33 Sec. 14. Section 461A.6, Code 2007, is amended to read as  
6 34 follows:

6 35 461A.6 COSTS == LIEN.

7 1 The cost of ~~such removal~~ removing a structure as provided  
7 2 in section 461A.4 shall be paid by the ~~its~~ owner of said pier,  
7 3 wharf, sluice, piling, wall, fence, obstruction, erection or  
7 4 building, and the state shall have a lien upon the property

7 5 ~~removed for such costs for the cost of removal. Said The~~  
7 6 costs shall be payable at the time of removal and such lien  
7 7 may be enforced and foreclosed, as provided for the  
7 8 foreclosure of security interests in uniform commercial code,  
7 9 chapter 554, article 9, part 6.

7 10 Sec. 15. Section 461A.5, Code 2007, is repealed.

7 11 DIVISION V

7 12 DRIVING OVER ICE

7 13 Sec. 16. Section 462A.33, Code 2007, is amended to read as  
7 14 follows:

7 15 462A.33 DRIVING OVER ICE.

7 16 1. ~~A person operating a craft or vehicle operating~~  
7 17 ~~propelled by sail or by machinery in whole or in part shall~~  
7 18 ~~not operate the craft or vehicle on the surface of ice on the~~  
7 19 ~~lakes and streams of this state including but not limited to~~  
7 20 ~~boundary streams and lakes and propelled by sail or by~~  
7 21 ~~machinery in whole or in part, except unless the commission~~  
7 22 ~~issues the person a permit.~~

7 23 2. ~~Subsection 1 does not apply to automobiles, motorcycles~~  
7 24 ~~and, or trucks registered under chapter 321; or snowmobiles~~  
7 25 ~~registered under chapter 321G; or all-terrain vehicles,~~  
7 26 ~~off-road motorcycles, or off-road utility vehicles registered~~  
7 27 ~~under 321I, when they any of those vehicles are used without~~  
7 28 ~~endangering public safety, shall not be operated without a~~  
7 29 ~~permit issued by the commission for the operation. A permit~~  
7 30 ~~may be revoked by the commission if the craft or vehicle is~~  
7 31 ~~operated in a careless manner which endangers others.~~

7 32 3. ~~Except when authorized by a permit for a special event,~~  
7 33 ~~persons shall not operate automobiles, motorcycles, and trucks~~  
7 34 ~~when used, all-terrain vehicles, off-road motorcycles, or~~  
7 35 ~~off-road utility vehicles on the ice of waters under the~~  
8 1 ~~jurisdiction of the commission shall not exceed fifteen miles~~  
8 2 ~~per hour and shall be operated in a at a rate of speed greater~~  
8 3 ~~than is reasonable and prudent manner or proper under all~~  
8 4 ~~existing circumstances.~~

8 5 4. ~~A permit issued by the commission pursuant to this~~  
8 6 ~~section may be suspended or revoked by the commission if a~~  
8 7 ~~craft or vehicle is operated in a careless manner which~~  
8 8 ~~endangers others.~~

8 9 DIVISION VI

8 10 HUNTER EDUCATION TRAINING

8 11 Sec. 17. Section 483A.27, subsections 1, 3, 6, and 11,  
8 12 Code Supplement 2007, are amended to read as follows:

8 13 1. ~~A person born after January 1, 1972, shall not obtain a~~  
8 14 ~~hunting license unless the person has satisfactorily completed~~  
8 15 ~~a hunter safety and ethics education course approved by the~~  
8 16 ~~commission. A person who is eleven years of age or more may~~  
8 17 ~~enroll in an approved hunter safety and ethics education~~  
8 18 ~~course, but a person who is eleven years of age and who has~~  
8 19 ~~successfully completed the course shall be issued a~~  
8 20 ~~certificate of completion which becomes valid on the person's~~  
8 21 ~~twelfth birthday. A certificate of completion from an~~  
8 22 ~~approved hunter safety and ethics education course issued in~~  
8 23 ~~this state since 1960, or a certificate issued by another~~  
8 24 ~~state, or by a foreign nation, country, or province that meets~~  
8 25 ~~the standards adopted by the international hunter education~~  
8 26 ~~association is valid for the requirements of this section.~~

8 27 3. ~~The department shall provide a manual on regarding~~  
8 28 ~~hunter safety and ethics education which shall be used by all~~  
8 29 ~~instructors and persons receiving hunter safety and ethics~~  
8 30 ~~education training in this state. The department may produce~~  
8 31 ~~the manual in a print or electronic format accessible from a~~  
8 32 ~~computer, including from a data storage device or the~~  
8 33 ~~department's internet site.~~

8 34 6. ~~A public or private school accredited pursuant to~~  
8 35 ~~section 256.11 or an organization approved by the department~~  
9 1 ~~may co-operate cooperate with the department in providing a~~  
9 2 ~~course in hunter safety and ethics education or shooting~~  
9 3 ~~sports activities as provided in this section.~~

9 4 11. ~~A hunter safety and ethics An instructor certified by~~  
9 5 ~~the department shall be allowed to conduct an departmental~~  
9 6 ~~approved hunter safety and ethics education course or shooting~~  
9 7 ~~sports activities course on public school property with the~~  
9 8 ~~approval of a majority of the board of directors of the school~~  
9 9 ~~district. The conduct of Conducting an approved hunter safety~~  
9 10 ~~and ethics education course or shooting sports activities~~  
9 11 ~~course is not a violation of any public policy, rule,~~  
9 12 ~~regulation, resolution, or ordinance which prohibits the~~  
9 13 ~~possession, display, or use of a firearm, bow and arrow, or~~  
9 14 ~~other hunting weapon on public school property or other public~~  
9 15 ~~property in this state.~~

9 16 Sec. 18. Section 483A.27, Code Supplement 2007, is amended  
9 17 by adding the following new subsection:  
9 18 NEW SUBSECTION. 2A. The commission may establish, assess,  
9 19 and collect a fee which shall be imposed upon a person  
9 20 attending a hunter safety and ethics education course. The  
9 21 department shall establish the amount of the fee based on the  
9 22 actual cost of providing the instruction. The fees collected  
9 23 under this subsection shall be deposited into the fish and  
9 24 game protection fund created in section 456A.17.

9 25 DIVISION VII

9 26 USE OF LASER SIGHTS BY BLIND HUNTERS

9 27 Sec. 19. Section 481A.93, subsection 2, Code 2007, is  
9 28 amended to read as follows:

9 29 2. This section does not apply to ~~deer~~ any of the  
9 30 following:

9 31 a. Deer being taken by or under the control of a local  
9 32 governmental body within its corporate limits pursuant to an  
9 33 approved special deer population control plan.

9 34 b. A person who is totally blind using a laser sight on a  
9 35 bow or gun while hunting, if all of the following apply:

10 1 (1) The person's total blindness is supported by medical  
10 2 evidence produced by an eye care professional who is an  
10 3 ophthalmologist, optometrist, or medical doctor. The eye care  
10 4 professional must certify that the person has no vision or  
10 5 light perception in either eye. The certification must be  
10 6 carried on the person of the totally blind person and made  
10 7 available for inspection by the department.

10 8 (2) The totally blind person is accompanied and aided by a  
10 9 person who is at least eighteen years of age and whose vision  
10 10 is not seriously impaired. The accompanying person must have  
10 11 a hunting license and pay the wildlife habitat fee as provided  
10 12 in section 483A.1 if applicable. During the hunt, the  
10 13 accompanying adult must be within arm's reach of the totally  
10 14 blind person, and must be able to identify the target and the  
10 15 location of the laser sight beam on the target. A person  
10 16 other than the totally blind person shall not shoot the laser  
10 17 sight-equipped gun or bow.

10 18 DIVISION VIII

10 19 SEX OFFENDER RESTRICTIONS

10 20 Sec. 20. Section 692A.2A, subsections 2 and 3, Code 2007,  
10 21 are amended to read as follows:

10 22 2. A person shall not reside within two thousand feet of  
10 23 the real property comprising a public or nonpublic elementary  
10 24 or secondary school, ~~or~~ a child care facility, or a campground  
10 25 that is owned or managed by the state or a county.

10 26 3. A person who resides within two thousand feet of the  
10 27 real property comprising a public or nonpublic elementary or  
10 28 secondary school, ~~or~~ a child care facility, or a campground  
10 29 that is owned or managed by the state or a county commits an  
10 30 aggravated misdemeanor.

10 31 Sec. 21. Section 692A.2A, subsection 4, unnumbered  
10 32 paragraph 1, Code 2007, is amended to read as follows:

10 33 A person residing within two thousand feet of the real  
10 34 property comprising a public or nonpublic elementary or  
10 35 secondary school, ~~or~~ a child care facility, or a campground  
11 1 that is owned or managed by the state or a county does not

11 2 commit a violation of this section if any of the following  
11 3 apply:

11 4 Sec. 22. Section 692A.5, subsection 1, paragraph h, Code  
11 5 2007, is amended to read as follows:

11 6 h. Inform the person, if the person's residency is  
11 7 restricted under section 692A.2A, that the person shall not  
11 8 reside within two thousand feet of the real property  
11 9 comprising a public or nonpublic elementary or secondary  
11 10 school, ~~or~~ a child care facility, or campground that is owned  
11 11 or managed by the state or a county.

11 12 DIVISION IX

11 13 CITATION IN LIEU OF ARREST

11 14 Sec. 23. Section 805.8B, subsection 5, Code Supplement  
11 15 2007, is amended to read as follows:

11 16 5. AQUATIC INVASIVE SPECIES VIOLATIONS. For violations of  
11 17 section 456A.37, subsection 5, the scheduled fine is ~~one~~ five  
11 18 hundred dollars.

11 19 DIVISION X

11 20 CODE CORRECTIONS

11 21 Sec. 24. Section 99F.1, subsection 12, Code Supplement  
11 22 2007, is amended to read as follows:

11 23 12. "Gambling structure" means any man-made stationary  
11 24 structure approved by the commission that does not include a  
11 25 racetrack enclosure which is subject to land-based building  
11 26 codes rather than maritime or  ~~Iowa~~ department of natural

11 27 resources inspection laws and regulations on which lawful  
11 28 gambling is authorized and licensed as provided in this  
11 29 chapter.  
11 30 Sec. 25. Section 354.22, unnumbered paragraph 1, Code  
11 31 2007, is amended to read as follows:  
11 32 The proprietors of lots within an official plat who wish to  
11 33 vacate any portion of the official plat shall file a petition  
11 34 for vacation with the governing body which would have  
11 35 jurisdiction to approve the plat at the time the petition is  
12 1 filed. After the petition has been filed, the governing body  
12 2 shall fix the time and place for public hearing on the  
12 3 petition. Written notice of the proposed vacation shall be  
12 4 served in the manner of original notices as provided in Iowa  
12 5 rules of civil procedure and be served upon proprietors and  
12 6 mortgagees within the official plat that are within three  
12 7 hundred feet of the area to be vacated. If a portion of the  
12 8 official plat adjoins a river or state-owned lake, the ~~Iowa~~  
12 9 department of natural resources shall be served written notice  
12 10 of the proposed vacation. Notice of the proposed vacation  
12 11 shall be published twice, with fourteen days between  
12 12 publications, stating the date, time, and place of the  
12 13 hearing.  
12 14 Sec. 26. Section 455G.2, subsection 12, Code 2007, is  
12 15 amended to read as follows:  
12 16 12. "Insurance" includes any form of financial assistance  
12 17 or showing of financial responsibility sufficient to comply  
12 18 with the federal Resource Conservation and Recovery Act or the  
12 19 ~~Iowa~~ department of natural resources' underground storage tank  
12 20 financial responsibility rules.  
12 21 Sec. 27. Section 483A.24, subsection 15, Code Supplement  
12 22 2007, is amended to read as follows:  
12 23 15. The department may issue a permit, subject to  
12 24 conditions established by the department, which authorizes a  
12 25 student sixteen years of age or older attending an Iowa public  
12 26 or accredited nonpublic school who is participating in the  
12 27 ~~Iowa~~ department of natural resources fish Iowa! basic  
12 28 spincasting module to fish without a license as part of a  
12 29 supervised school outing.

#### 12 30 EXPLANATION

12 31 This bill amends a number of provisions relating to natural  
12 32 resources regulated by the department of natural resources,  
12 33 and specifically provisions under the jurisdiction of the  
12 34 natural resource commission, which provide for public land and  
12 35 outdoor recreation.

13 1 DIVISION I == REGULATION OF EXCURSION GAMBLING BOATS. The  
13 2 bill amends Code section 99F.7 by providing that the racing  
13 3 and gaming commission and not the department of natural  
13 4 resources is responsible for the inspection of excursion  
13 5 gambling boats, but that departmental rules will remain in  
13 6 effect and enforced by the racing and gaming commission until  
13 7 the commission adopts its own rules.

13 8 DIVISION II == RESIDENCY REQUIREMENTS FOR REGISTRATIONS AND  
13 9 LICENSES. The bill provides a common method for determining  
13 10 residency requirements for registering snowmobiles (Code  
13 11 chapter 321G), all-terrain vehicles (Code chapter 321I), and  
13 12 licensing including hunting and fishing licenses (Code chapter  
13 13 483A). The bill creates a new Code section 483A.2A, which  
13 14 governs how residency is to be determined. The bill does not  
13 15 change the requirement that a person must establish residency  
13 16 for 30 days, but provides that it is based on the maintenance  
13 17 of a "principal residence" in this state for that period prior  
13 18 to purchasing the license. The bill does not change the  
13 19 requirement that a full-time student who attends an  
13 20 educational institution in this state is a resident. It does  
13 21 extend the provision to a student attending an educational  
13 22 institution outside this state so long as the student's parent  
13 23 or legal guardian maintains the person's principal residence  
13 24 in the state. It still provides that a person is a resident  
13 25 if the person is under 18 years old with an in-state parent,  
13 26 but requires that the parent or legal guardian maintains a  
13 27 principal residence in the state. The bill retains a  
13 28 provision that allows a member of the armed forces to be  
13 29 classified as a resident so long as the member is on active  
13 30 duty and either has proof of residency or is stationed in this  
13 31 state. It eliminates a requirement that provides that voter  
13 32 registration is proof of residency.

13 33 The bill requires the department to determine whether a  
13 34 person maintains a principal residence in this state. The  
13 35 bill provides a rebuttable presumption of residency if the  
14 1 person occupies a dwelling in the state for a majority of the  
14 2 12 months prior to the person's purchase of the license.

14 3 Otherwise, the department must make the determination based on  
14 4 a number of factors required by the department which may  
14 5 include the person's place of employment or domicile address  
14 6 on correspondence or records. The department may require the  
14 7 person to provide evidence of the person's permanent  
14 8 residence.

14 9 DIVISION III == ALL=TERRAIN VEHICLES. The bill amends Code  
14 10 section 321I.2 by providing that the department may adopt  
14 11 rules regarding the operation or maintenance of designated  
14 12 riding trails.

14 13 DIVISION IV == CONSTRUCTION ON STATE=OWNED OR STATE=MANAGED  
14 14 LAND OR WATERS. The bill amends Code section 461A.4  
14 15 authorizing the department to regulate the construction of  
14 16 structures (piers, wharfs, sluices, pilings, walls, fences, or  
14 17 buildings) upon or over any state-owned land. The bill makes  
14 18 stylistic changes to the provisions, provides that the  
14 19 department's authority extends to state-managed land or  
14 20 waters, and provides for the issuance of orders to persons who  
14 21 are in violation of the law.

14 22 The bill creates new Code sections 461A.5A and 461A.5B  
14 23 providing the department with enforcement authority. It  
14 24 authorizes the department to obtain injunctive relief against  
14 25 a person who is in violation of Code section 461A.4 or refuses  
14 26 to comply with an order issued by the department. The bill  
14 27 rewrites but does not alter the criminal penalty for  
14 28 committing a violation of the Code section, which is a simple  
14 29 misdemeanor, and provides that the penalty applies to a person  
14 30 who fails to comply with an order issued by the department  
14 31 under that Code section. A simple misdemeanor is punishable  
14 32 by confinement for no more than 30 days or a fine of at least  
14 33 \$65 but not more than \$625 or by both. The bill provides that  
14 34 the state may also proceed against the person by initiating an  
14 35 alternative civil enforcement action in lieu of a criminal  
15 1 prosecution. The amount of the civil penalty cannot exceed  
15 2 \$5,000, and the bill provides for enforcement by the  
15 3 department or the attorney general upon referral by the  
15 4 department.

15 5 The bill eliminates Code section 461A.5 relating to the  
15 6 removal of obstructions because it includes redundant  
15 7 provisions and amends Code section 461A.6 referring to the  
15 8 department's authority to enforce a lien against a structure  
15 9 in a manner consistent with the other bill's provisions.

15 10 DIVISION V == DRIVING OVER ICE. The bill amends Code  
15 11 section 462A.33 which requires that certain crafts or vehicles  
15 12 cannot operate on ice over certain state waters without  
15 13 obtaining a permit from the department. The bill expands the  
15 14 types of vehicles not requiring a permit to include  
15 15 all-terrain vehicles, off-road motorcycles, and off-road  
15 16 utility vehicles. The bill amends a provision that prohibits  
15 17 vehicles from exceeding 15 miles per hour when traveling over  
15 18 ice on the waters of the state without a special permit. The  
15 19 bill replaces the speed limit with a requirement that the  
15 20 vehicle cannot exceed a rate of speed that is reasonable and  
15 21 proper.

15 22 DIVISION VI == HUNTER TRAINING. The bill amends Code  
15 23 section 483A.27 which requires that a person complete a hunter  
15 24 safety and ethics education course before being issued a  
15 25 hunting license. The bill provides that the certificate may  
15 26 be issued by another state, or a country, or province that  
15 27 meets the standards adopted by the international hunter  
15 28 education association. The bill authorizes the department to  
15 29 establish, assess, and collect a fee for conducting the  
15 30 course. Moneys from the fees are deposited into the fish and  
15 31 game protection fund. The bill also amends the Code section  
15 32 to provide that the department may produce hunter safety and  
15 33 ethics education courses in an electronic format.

15 34 DIVISION VII == USE OF LASER SIGHTS BY BLIND HUNTERS. The  
15 35 bill provides that a person who is totally blind may hunt  
16 1 using a gun or bow equipped with a laser sight so long as the  
16 2 person is accompanied by a sighted person. The person's  
16 3 blindness must be certified by medical evidence.

16 4 DIVISION VIII == SEX OFFENDER RESTRICTIONS. The bill  
16 5 amends provisions in Code section 692A.2A by providing that a  
16 6 person cannot reside within 2,000 feet from a campground owned  
16 7 or managed by the state or a county. The current law provides  
16 8 that the same separation distance applies to a public or  
16 9 nonpublic elementary or secondary school or child care  
16 10 facility.

16 11 DIVISION IX == CITATION IN LIEU OF ARREST. The bill amends  
16 12 Code section 805.8B which authorizes the department to issue a  
16 13 citation for certain violations of law including for the

16 14 spreading of an aquatic invasive species (Eurasian water  
16 15 milfoil), by increasing the scheduled fine from \$100 to \$500.  
16 16 DIVISION X == CODE CORRECTIONS. The bill amends a number  
16 17 of Code sections by correcting the name of the department.  
16 18 LSB 5445DP 82  
16 19 da/rj/14.1